• The ADA Coordinator will submit a written determination to include a review of the grievance, a statement of the validity of disability discrimination, and a proposed resolution, if appropriate, within 30 calendar days of receipt of the grievance.
• The ADA Coordinator will file the determination with the university and provide a copy to the student, and will maintain the files and records relating to the grievance for a minimum of three years.
• If the grievance is against the ADA Coordinator, the grievance should be submitted to the Coordinator’s supervisor (the Dean of Students), or the Director of the Equal Opportunity office.

Although students are encouraged to attempt resolution of grievances pertaining to disabilities by using the above campus process, they have the right to file a grievance directly with the US Department of Education, Office for Civil Rights (OCR). Region IV office: 404-562-7886

D. USC Upstate English Fluency Grievance Policy
Students who feel that they are unable to understand the spoken and/or written English of an instructor at USC Upstate shall schedule a meeting with the dean of the respective school and make their concerns known. The dean will conduct an investigation and report to the complaining student his/her findings within 10 working days of the complaint. In the event student charges are substantiated, the dean and the senior vice chancellor for academic affairs will take immediate action to rectify the problem. Such action may take the form of replacement of the instructor immediately, intensive remediation of the problem or any other solution that protects the due process rights of faculty and students.

E. Parking Appeals
An appeal should be filed only if the person feels he or she was given a citation (1) through error, or (2) without just cause.

Appeal forms can be accessed at the following: www.uscupstate.edu/parkingappeal, or can be picked up in the University Police Department within 72 hours or three weekdays following the issuance of a citation. The appeal is automatically forfeited if it is filed after 72 hours of the date when the citation was issued.

The University Parking Appeals Committee, appointed by the Dean of Students, consists of (1) one faculty member; (2) one staff member, (3) president of the student government or his/her appointee. The committee will review each appeal and render a decision within 30 days of the appeal.

VII. Code of Student Behavior

A. Philosophy
The University of South Carolina Upstate is an academic community preserved through mutual respect and trust of the individuals who learn, teach and work within it. Students as well as all parties at the University must be protected through fair and orderly processes. These are best safeguarded when each person within the University community acts in an orderly and responsible manner. All students and guests are equally entitled to the protection embodied in this document and are expected to meet the standards set forth herein.

Specifically, the University of South Carolina Upstate has adopted the Carolinian Creed as developed by the University of South Carolina. Thus, the community of scholars at USC Upstate is dedicated to personal and academic excellence. Choosing to join the community obligates each member to a code of civilized behavior.

As a Carolinian...I will practice personal and academic integrity. A commitment to this ideal is inconsistent with cheating in classes, in games, or in sports, it should eliminate the practice of plagiarism or borrowing another student's work, lying, deceit, excuse making, and infidelity or disloyalty in personal relationships. I will respect the dignity of all persons. A commitment to this ideal is inconsistent with all forms of theft, vandalism, arson, misappropriation, malicious damage to, and desecration or destruction of property. Respect for another's personal rights is inconsistent with any behavior which violates a person's right to move about freely, express themselves appropriately and to enjoy privacy. I will discourage bigotry, striving to learn from differences in people, ideas and opinions. A commitment to this ideal pledges affirmative support for equal rights and opportunities for all students regardless of their age, sex, race, religion, disability, international/ethnic heritage, socioeconomic status, political, social or other affiliation or disaffiliation, or affectional preference. I will demonstrate concern for others, their feelings and their need for conditions which support their work and development. A commitment to this ideal is a pledge to be
compassionate and considerate, to avoid behaviors which are insensitive, inhospitable or insightful, or which unjustly or arbitrarily inhibit another's ability to feel safe or welcomed in their pursuit of appropriate academic goals. Allegiance to these ideals obligates each student to refrain from and discourage behaviors which threaten the freedom and respect all USC Upstate community members deserve. This last clause reminds community members that they are not only obliged to avoid these behaviors, but that they also have an affirmative obligation to confront and challenge and respond to or report the behaviors whenever or wherever they are encountered.

B. Application
This document governs the conduct of all students and student organizations. This document may apply to student behavior both on and off the University's campus. Violators are subject to local, state and federal laws, as well as the provisions listed herein. Campus hearings may proceed prior to off campus criminal hearings. The decision regarding when a campus hearing is scheduled is determined by the dean of students with the best interest of the University community in mind.

C. Mental Health Disturbances
Instances of student behavior that may be the result of a mental health disturbance require specific consideration and action. The dean of students, in consultation with the Behavioral Intervention Team (BIT), chief of University Police, the chancellor and others deemed appropriate will assess and treat as unique each student’s behavior and determine if administrative action is warranted. The University may take the following actions in response to instances of student behavior where there is a reason to believe the conduct is the result of a mental disturbance or the behavior poses a threat of physical harm to the individual or others: counseling, referral for evaluation, remediation, therapeutic treatment, disciplinary action, voluntary or involuntary withdrawal, or other action deemed appropriate. Please reference the web site for more information about BIT.

D. Rights and Prohibited Conduct
Nothing herein is intended or shall be construed to limit or restrict the student's freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of an institution of higher education; and to this end, peaceful, reasonable, orderly demonstrations in approved areas shall not be subject to interference by members of the University community. However, those involved in demonstrations may not engage in conduct that violates the rights of other members of the University community. These rules should not be construed as to restrain controversy or dissent, or to prevent, discourage, or limit communication among faculty, students, staff and administrators. The purpose of these rules is to prevent the abuse of rights of others and to maintain public order conducive to a learning environment. In this regard, it shall be the responsibility of every student to obey the Code of Student Conduct, which includes the Code of Academic Integrity and the Code of Campus Behavior. USC Upstate students who are appointed or elected to positions in University recognized student organizations or who are awarded financial assistantships or scholarships are required to be in good academic and disciplinary standing. Good academic standing is defined as having a 2.0 or greater cumulative grade point average. Good disciplinary standing is defined as not being on university or conduct probation at the time of service. This document is reviewed by the executive vice chancellor for academic affairs, the vice chancellor for student and diversity affairs, the faculty senate and is approved by the chancellor of the University.

E. Student Arrest Policy
Students who are apprehended and charged by law enforcement agencies with felony criminal conduct on or off campus are required to inform the dean of students of such matters within five working days.

I. Student Conduct for the Classroom
USC Upstate supports the principle of freedom of expression for both instructors and students. University policies on appropriate behavior in the classroom cannot be used to punish reasonable classroom dissent. The lawful expression of a disagreement with the instructor or other students is not in itself inappropriate/disruptive behavior. Maintenance of these rights requires classroom conditions which do not impede their exercise. Classroom behavior that seriously interferes with either 1) the instructor’s ability to conduct the class or 2) the ability of other students to profit from the instructional program will not be tolerated. The community of scholars at the University of South Carolina Upstate is dedicated to personal and academic excellence. Freedom to teach and freedom to learn depend upon appropriate opportunities and conditions in the classroom, on campus, and in the larger community. Faculty members and students at USC Upstate are expected
to exercise their freedoms with a sense of responsibility and sensitivity to the educational interest of others. Faculty and students conduct themselves in a civil, cooperative, orderly, and purposeful manner in all educational settings. Faculty members have authority to set reasonable standards of conduct for classrooms, laboratories, the Library, internships, field placements, and campus wide activities. Please review the following general guidelines and act accordingly.

A Member of the USC Upstate Community of Scholars:
Displays personal and academic integrity.
You are honest, truthful, and trustworthy. You do not lie, cheat, or steal. You do not present others' work as your own or collaborate with others without acknowledgment or permission from the faculty member.

Accepts responsibility for actions.
You do not blame others for academic consequences resulting from your own decisions and behavior. You follow established policies and procedures in the USC Upstate Catalog, the USC Upstate Student Handbook, and course syllabi.

Respects the rights and dignity of all persons.
You are courteous and respect the rights and property of others. You do not harass, demean, ridicule, abuse, threaten, or discriminate against others.

Maintains a learning-focused attitude.
You are engaged in the classroom and other learning environments, both on and off campus. You are on time, prepared, and alert. You participate until the faculty member in charge dismisses the class.

Refrains from conduct that adversely affects others.
Your conduct is appropriate for learning. You do not enter class late or leave early without permission of the faculty member. You follow the instructions of the faculty member regarding talking or using electronic devices in class. You do not use threatening, demeaning, or inflammatory language.

Follows specific requirements of faculty members.
You meet the behavioral and academic expectations of your instructors, recognizing that these standards will often vary.

Defining Disruptive Behavior.
The phrase “classroom disruption” means the behavior a reasonable person views as substantially or repeatedly interfering with the conduct of a class. Since faculty members are ultimately responsible for management of the classroom environment, they possess clear authority to establish reasonable classroom behavioral standards. Exactly which behaviors are “disruptive” may depend upon the size, nature, and format of the class, as well as upon the particular sensitivities of faculty members and/or students.

Procedures For Resolving Disruptive Classroom Conduct:
If a student's behavior is disruptive to the faculty member, to another student, or to the class as a whole, the faculty member may direct the student to leave the classroom for the remainder of that class period. The faculty member is the sole judge of when a student's behavior warrants such a dismissal. If the disruptive behavior continues when the student returns to class, the faculty member reports the behavior to the dean of students, who holds a hearing. If the hearing does not result in a resolution, the Honor Council is convened to decide whether the student remains enrolled in the class. Complete description of the Honor Council is found in section V of this code.

II. The Code of Academic Integrity
Under the Code of Academic Integrity, students are on their honor not to cheat, lie or steal, and if they witness another student doing so, it is their responsibility to report the individual and the circumstances to the instructor or the dean of students.

A. Bribery
The offering, giving, receiving or soliciting of anything of value to obtain a grade or consideration a student would not expect to achieve from his or her own academic performance.

B. Cheating
Examples include:
• Any conduct during a program, course, quiz or examination that involves the unauthorized use of written or oral information, or information obtained by any other means of communication.
• The buying, selling, sharing of questions or theft of any examination or quiz prior to its administration.
• The unauthorized use of any electronic or mechanical device during any program, course, quiz or examination or in connection with laboratory reports or other materials related to academic performance.
• The unauthorized use of notes, laboratory reports, term reports, theses and written materials in whole or part.
• The unauthorized collaboration on any test, assignment or project.

C. Lying
Lying is the deliberate misrepresentation by words, actions or deeds of any situation or fact, in part or whole, for the purpose of avoiding or postponing the completion of any assignment, duties, test or examination in a course, internship or program.

D. Plagiarism
Plagiarism, or literary theft, in any writing assignment: using others' words or ideas without consistent, correctly formatted acknowledgement. This includes sources the student knows personally (friends, other students, relatives, etc.) as well as all text, Internet, and other sources. Students are required to properly acknowledge sources as follows: students may not present as their own ideas, opinions, figures, languages or concepts of another, including those of other students. Students must acknowledge all sources such as magazines, journals, Internet sites, records, tapes, films and interviews. Papers and other materials bought from "term paper writing services," if submitted as the work of anyone except the writing service, constitute a violation of the principles of this document. Further, violation of any of the following standards may be cause for disciplinary action. The common specific uses of source material are:

Direct Quotation: Word-for-word copying of a source. Direct quotation must be accurate, must not misrepresent the source in any way and must be properly acknowledged.

Paraphrase:
A recasting into one's own words material from a source, generally condensing the source. A direct quotation with only a word or two changed, added or omitted should not be passed off as a paraphrase. A paraphrase restates the source but does not misrepresent it and must be properly acknowledged.

Use of ideas:
The use of an idea from a source must be properly acknowledged, even when one's application of that idea varies from the source.

Use of figures, tables, charts, statistics, images, photographs and other similar sources:
These items must be fully acknowledged, and any changes must be clearly indicated. If a student has received any kind of help (except that permitted by an instructor) in the preparation of a project, that help must be fully acknowledged.

Sanctions of Academic Integrity violations include, but are not limited to:
• expulsion;
• indefinite suspension;
• definite suspension;
• reprimand;
• "X" assigned for the final grade;
• "F" assigned for the course;
• "0" assigned for the assignment, test or paper;
• additional assignments from the professor;
• completion of plagiarism workshop and community service.

The sanctions provided for in this section are intended to be disciplinary, and nothing in these procedures, including the imposition of any sanction, shall be interpreted to limit the academic authority of an instructor to determine an appropriate grade for a student who has violated the Rule. If an instructor determines that, because of academic dishonesty, a student's performance in an academic program merits a grade reduction or a failing grade, the instructor's authority to award such an appropriate grade is not limited by the imposition of any sanction under this section.

Infractions of the Code of Academic Integrity may result in removal from academic programs by the authority of the specific academic dean. Students removed by the academic dean for academic integrity violations have the same rights outlined in the USC Upstate Code of Student Behavior regarding notice and an opportunity to be heard before the honor council.

III. The USC Upstate Code of Student Behavior
It shall be the responsibility of all students and student organizations to abide by the Code of Student Behavior. All nonacademic conduct that infringes on the rights or welfare of others is thus embodied in the Code of Student Behavior.

Violations of this Code are handled in the same manner as violations of the Academic Code. This does not preclude from criminal and civil charges being filed as well. Sanctions listed are guidelines; other sanctions may be applied as deemed appropriate by the Hearing Officer. Violations include but are not limited to:
1. Abuse of the University judicial system, including, but not limited to:
   • Failure to obey summons of a judicial body or University official.
   • Falsification, distortion or misrepresentation of information before a judicial proceeding.
   • Harassment (verbal or physical) and/or intimidation of a member of judicial body prior to or during the course of the judicial proceeding.
   • Failure to comply with sanctions imposed under the Code of Student Conduct.
   • Influencing or attempting to influence another person to commit an abuse of the judicial system or Code of Student Conduct.

Listing of Possible Sanctions:
1st Offense: suspension, probation
2nd Offense: suspension
3rd Offense: expulsion

2. Alcohol Policy:
Unauthorized possession, distribution or consumption of alcohol. Violating any other provision of the Student Code of Conduct while under the influence of alcohol is a violation of this Alcohol Policy. Such conduct includes, but is not limited to, public intoxication, providing alcohol to underage persons, etc. (Refer to the Alcohol and Drug Policy on page 142).

3. Compliance with General Laws:
Students or student organizations involved in violations of any federal, state, or local laws may be subject to disciplinary action. Action imposed by the University may precede and/or be in addition to any penalty imposed by an off-campus authority.

Listing of Possible Sanctions:
1st Offense: warning, reprimand, probationary status, community service
2nd Offense: suspension
3rd Offense: expulsion

4. Disruptive Activity:
Individual or group behavior that interferes with the freedom of expression, movement or activity of others, or with the educational mission of the University is prohibited. Forms of expression that disrupt or materially interfere with such activities and operations or invades the rights of persons is also prohibited.

Listing of Possible Sanctions:
1st Offense: reprimand, probation, suspension for a blatant offense
2nd Offense: suspension
3rd Offense: expulsion

5. Drug Policies:
The unauthorized possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, “designer,” or controlled drug or other substance is prohibited. This includes prescription medications. Violating any other provision of the Student Code of Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy (Refer to the Alcohol and Drug Policy on page 140). The possession of drug paraphernalia is also prohibited (i.e., pipes, bongs, etc.)

6. Failure to Comply with Official Requests:
Students and student organizations are expected to comply with and respond appropriately to the reasonable and lawful requests of University officials in the performance of their duties. Students are expected to appear at disciplinary hearings to respond to allegations or testify as a witness when reasonably notified to do so. A failure to properly comply with or complete a sanction or obligation resulting from a disciplinary hearing or adjudication may also be considered failure to comply with an official request. (Note to resident students: The definition of University officials in this regulation includes Housing staff).

Listing of Possible Sanctions:
1st Offense: reprimand, restriction of privileges, probation
2nd Offense: community service, probation
3rd Offense: suspension, expulsion

7. Forgery, falsification, alteration, or knowingly furnishing false information to the University or its officials.

Listing of Possible Sanctions:
1st Offense: grade change, cancel any benefit resulting from illicit activity, probation
2nd Offense: suspension
3rd Offense: expulsion

8. Harassment:
Conduct that creates or attempts to create an intimidating, hostile, or offensive environment for another person. Such conduct includes, but is not limited to action(s) or statement(s) that threaten harm or intimidate a person, or any other form of unwanted contact.

Listing of Possible Sanctions:
1st Offense: probation, community service, corrective action and in severe cases suspension
2nd Offense: suspension
3rd Offense: expulsion
9. Harm to Persons:
Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited. Conduct which threatens to cause harm to persons, or creates hazardous conditions for persons.
Listing of Possible Sanctions:
1st Offense: suspension, probation
2nd Offense: expulsion

10. Hazing:
Defined as any act that endangers the mental or physical health or safety of a student, faculty member or other University official. This includes the removal of public or private property for the purpose of initiation, admission into, affiliation with or as a continued membership in a group or organization.
Listing of Possible Sanctions:
1st Offense: probation, community service
2nd Offense: suspension
3rd Offense: expulsion

11. Misuse of Keys:
No person may use or possess any University key without proper authorization. No student is allowed under any condition to have a University key duplicated. (Note to resident students: Loaning a room/apartment key to a person not assigned to that residence may be considered a violation of this regulation.)
Listing of Possible Sanctions:
1st Offense: reprimand, restriction of privileges
2nd Offense: community service, probation
3rd Offense: suspension for not less than one semester

12. Parking/Traffic Violations:
Refer to Parking Brochure or Web site for fines and sanctions. www.uscupstate.edu/police

13. Sexual Assault:
Refer to Policy on Sexual Assault for Definitions
Non-Consensual Sexual Assault
Listing of Possible Sanctions:
1st Offense: probation, suspension, or expulsion; participation in sexual assault training program
2nd Offense: expulsion

14. Forcible Sexual Assault:
Listing of Possible Sanctions:
1st Offense: suspension of not less than one semester
2nd Offense: expulsion

15. Sexual Misconduct or Non-Consensual Sexual Contact:
Refer to Policy on Sexual Assault for Definition
Listing of Possible Sanctions:
1st Offense: probation, suspension, or expulsion; participation in sexual assault training program
2nd Offense: expulsion

16. Tobacco Use:
USC Upstate is a tobacco-free campus. Tobacco use is prohibited in all USC Upstate owned or leased buildings (including in all offices, classrooms, laboratories, meeting rooms, residence halls, restrooms, lobbies, lounges, cafeterias, hallways, stairwells, elevators etc.), building entrances, balconies, decks, patios and outside stairways to buildings and outdoor passageways to entrances; buildings on land for use by the University; all University vehicles; sidewalks; parking lots; athletic venues; common areas; and any and all land for use by the University, including campus “green spaces.” This includes the areas of USC Upstate in Greenville, and any other current or future USC Upstate owned or leased properties. (Refer to the USC Upstate Tobacco-Free Campus Policy on page 148.)

17. Stalking:
Defined as a pattern of conduct that is intended to cause or does cause a person to fear. See Sexual Assault policy for full definition.
Listing of Possible Sanctions:
1st Offense: warning, reprimand, probation, corrective action and in severe cases, suspension
2nd Offense: suspension for up to one calendar year
3rd Offense: expulsion

18. Theft of any kind:
Including seizing, receiving, or concealing property with knowledge that it has been stolen, is forbidden. Sale, possession, or misappropriation of any property, including USC property, without the owner’s permission is also prohibited.
Listing of Possible Sanctions:
1st Offense: community service
2nd Offense: suspension for not less than one semester
3rd Offense: expulsion

19. Theft or abuse of computer time:
Including, but not limited to:
- Unauthorized entry into a file to use, read or change the contents or for any other purpose
- Unauthorized transfer of a file
- Unauthorized use of another individual's identification and passwords
- Use of computing facilities to interfere with the work of another student, faculty member or University official
- Use of computing facilities to send an obscene or abusive message
- Use of computing facilities to interfere with normal operation of the University computing system

Listing of Possible Sanctions:
1st Offense: probation, community service, restriction of privileges or in severe cases, suspension
2nd Offense: suspension for not less than one semester
3rd Offense: expulsion

20. Unauthorized Entry, Presence/Use or abuse of University facilities:
Unauthorized entry into, presence in, or use of University facilities or property which has not been reserved or accessed through appropriate University officials is prohibited.

Listing of Possible Sanctions:
1st Offense: reprimand, restriction of privileges, probation, suspension
2nd Offense: community service, probation, suspension

21. Use of personal portable sound amplification equipment (i.e., radio, TV, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional program of the University.

Listing of Possible Sanctions:
1st Offense: probation, community service
2nd Offense: suspension
3rd Offense: expulsion

22. Violations of local, state or federal law:
Violators may face prosecution off campus as well as disciplinary action on campus.

Listing of Possible Sanctions:
1st Offense: probation, community service, suspension
2nd Offense: community service, suspension
3rd Offense: expulsion

23. Weapons:
The unauthorized possession or use of firearms, or weapons of any other kind (including but not limited to dangerous chemicals, dirks, slingshots, metal knuckles, razors, BB guns, and air pistols) is prohibited. The use or display of any object or instrument in a dangerous, provocative or threatening manner is prohibited.

Listing of Possible Sanctions:
1st Offense: suspension, confiscation of weapon(s) and/or materials
2nd Offense: expulsion

IV. Resolution of Alleged Infractions

A. Informal Administrative Hearing
Upon receiving an alleged violation of the Code of Student Conduct, the dean of students or designee will investigate the report. The dean of students or designee will conduct an initial interview with the accused. The rights and prerogatives of the accused will be explained at that time. It is at this time the student can resolve their matter through admission of responsibility, or request a hearing in the appropriate council. The Honor Council (see below for composition and procedures) is given the charge to handle academic honor code or student behavior code violations. The Student Honor Council (see below for composition and procedures) is given the charge to handle campus discipline code violations. Students with alleged campus discipline code violations may choose which council will hear their case. The Honor Council does not have the role to examine severity of sanction appeals from the decisions of the dean of students or faculty member; those concerns will be forwarded to the Appeals Council. Should further action be necessary, the charged student will receive written notification of a hearing before the Council within a reasonable period of time. The charge letter will include a statement of the charges and the time and place of the hearing. If the accused accepts responsibility in writing prior to appearing before a Council hearing, a sanction determined by the dean of students, or faculty member if an academic violation, will be imposed. If a student fails to respond to a charge letter within the time specified in a certified letter, he or she forfeits his or her rights and may have a sanction imposed by the dean of students. A hearing may be conducted in the absence of an accused student if the student fails to appear for a scheduled hearing.

B. Mediation
An agreement to participate in a mediation process. Resolution through mediation requires a voluntary agreement from both parties to participate in a mediation process. This option is reserved for situations where all of the immediate parties in the
incident agree to have a conflict resolved in this fashion, and the option is considered appropriate by the dean of students or designee. Code of Academic Integrity charges will not be handled through mediation. Failure to fulfill the terms of a mediation agreement could lead to reactivation of the charges as well as additional disciplinary action.

C. The Honor Council Procedures

During an Honor Council hearing, the faculty chairperson will bring the council to order and present the alleged violation brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of all information pertaining to a particular violation, the Honor Council shall deliberate without the accused student being present. The Honor Council shall also determine the sanction that will be imposed if the student is found responsible for Code of Campus Behavior violations. Faculty members will determine the sanction assigned for any Academic Code of Integrity violations that occur in their classes. The dean of students will maintain all records of violations of the Code of Student Conduct confidentially for a period of six calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Honor Council on the basis of their need to know. Records will be made available to the Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Student Conduct. Any prior violations of the Student Conduct Code will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment or intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted. Ad hoc honor councils may be created when extenuating circumstances (e.g., summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (two students, three faculty) for hearing a case. The dean of students or designee will serve as the administrator of this council.

Composition and Jurisdiction of the Honor Council

The Honor Council normally consists of two students and three faculty voting members. Participants for each council are selected by the dean of students from a pool of students and faculty. The dean of students is authorized to assign non-academic integrity cases to a Student Honor Council that operates under the same guidelines as a council in which faculty participates. The faculty pool consists of two faculty appointed by each academic division or department from each of the following disciplines: business, education, nursing, library, and the College of Arts and Sciences. The student pool consists of two students appointed by each academic division or department from each of the following colleges: business, education, nursing and the College of Arts and Sciences. Students serving on the Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Honor Council are selected each fall to serve during the fall, spring and summer of the following year. With the voluntary, informed, and written consent of the University's representative and charged parties, the above provisions related to council composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures. The dean of students or designee acts as a nonvoting administrator of the council, and will appoint a faculty chairperson for each council hearing, and selects members of the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

D. The Student Honor Council

During a Student Honor Council hearing, the hearing chair will bring the hearing to order and present the charges brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Student Honor Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of
all information pertaining to a particular violation, the Student Honor Council shall deliberate without the accused student being present. The Student Honor Council shall also determine the sanction that will be imposed as outlined in the Code of Conduct if the student is found responsible. The dean of students will maintain all records of violations of the Code of Student Conduct confidentially for a period of six calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Student Honor Council on the basis of their need to know. Records will be made available to the Student Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Student Conduct. Any prior violations of the Code of Student Conduct will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The focus of inquiry in disciplinary proceedings shall be the responsibility of the accused party. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment and intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted. Ad hoc student honor councils may be created when extenuating circumstances (e.g. summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (five students) for hearing a case. The dean of students will serve as the non-voting chair of this ad hoc board.

Composition and Jurisdiction of the Student Honor Council
The Student Honor Council normally consists of six students, one of whom is the chief student juror. Participants for each court are selected by the dean of students from a pool of students. The pool consists of students appointed annually through academic deans, department and division chairs. Students serving on the Student Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Student Honor Council are selected each fall to serve during the fall, spring and summer of the following year. With the voluntary, informed and written consent of the University's representative and charged parties, the above provisions related to board composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures. The dean of students acts as non-voting administrator of the council, and appoints a chief student juror to serve as chairperson for each council hearing, and selects members from the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code of Student Conduct shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

V. The Rights of the Charged Student
The following rights are guaranteed to persons involved in the University judicial system.

- The right of the Charged Student to a clear, simple written notice of actions alleged as violations of the Code of Student Conduct. This notice should also include a brief statement of the nature of the evidence and possible sanctions.
- The right to be presumed innocent until guilt has been determined.
- The right of the charged student and the accuser to present information and respond to any information presented. This does not include cross-examination of either witnesses or the Honor Court members and does not grant the charged student the right to be present during testimony.
- The right to a fair hearing.
- The right, if the student desires, to have an advisor present to advise and serve in a consultative role to the student, although they may not actively participate in the hearing. The charged student must give prior notice to the dean of students when the student wishes to have an advisor present at the scheduled hearing. The notice must be given to the dean of students at least 48 hours before the hearing date.
- The right of the charged student and accuser to present witnesses and other substantive evidence.
- The right of the charged student to appeal an Honor Council decision.
- A charged student forfeits these rights if the student refuses to appear for a hearing or fails to respond in a timely manner to a hearing notice. A hearing may be held in a student's absence.
VI. Resolutions of the Council
When an accused student is found not responsible, all records of the hearing proceedings, except one, shall be destroyed immediately. The one shall be kept on file as a reference to the hearing procedure, and will be kept confidential by the dean of the students. In matters pertaining to academic coursework, a student should receive the earned grade when it is determined that the student is not responsible for the alleged violation.

A. Official Reprimand
An official reprimand from the dean of students will serve as an official notice of censure cautioning a student against specific behavior. An official reprimand shall carry no further restrictions.

B. Practical Penalty
The student may be assigned a penalty, fine or task commensurate with the offense. Penalties may include, but are not limited to the following:
- Damage to or littering of University-owned property shall subject the violator to the responsibility for full restitution or restoration of any damaged property or item.
- A recommendation may be made to the instructor that a failing grade be assigned for a specific project or requirement. Other sanctions may include revision of an assignment or additional work.
- A student or student organization may also be prohibited from participation in some or all extracurricular activities and may not use certain University facilities or property as determined by the court.

C. Definite Probation
Definite probation shall be for one, two or three semesters. A student or student organization placed on probation may be prohibited from participation in some or all extracurricular activities and may not use certain University facilities or property as determined by the court. The individual will not be eligible to hold an elective office of any campus organization while on probation. He or she will also lose eligibility to assume any position supported by a University stipend.

D. Indefinite Probation
Indefinite probation shall require that the student organization serve a probationary period of at least one academic year and submit a written petition to the dean of students requesting reinstatement in good standing. This petition should contain evidence during the probationary period of good citizenship such as recommendations from faculty, staff and other credible references. During the probationary period the student or student organization may be prohibited from participating in some or all extracurricular activities and may not use certain University facilities or property as determined by the court.

E. Definite and Indefinite Suspension
Under definite, there shall be a specific time limit of either one or two semesters in which the student may not enroll at the University, participate in activities designated for University students, or use certain University facilities or property. A student organization under suspension may not function as a USC Upstate organization. A student or student organization placed under the indefinite suspension must formally petition the chancellor to gain reinstatement to the University. A student who has been suspended indefinitely may not petition to be reenrolled in the University until at least one calendar year has expired from the effective date of the suspension.

F. Expulsion
Dismissal from the University without the ability to be considered for readmittance.

VII. Appeals
Any student or student organization found guilty by a faculty member or either Council may submit a written request for a review hearing with the Appeals Council on the grounds of (1) insufficient evidence, (2) severity of penalty, (3) denial of basic rights guaranteed by the Code of Student Conduct, or (4) new information not available at the time of the original hearing. An appeal request must be filed with the dean of students within five working days from the receipt of a written notification of a hearing decision. The Appeals Council may request from the dean of students any written statements, testimony information or evidence pertaining to the original hearing, the charges, or the penalty imposed against the accused. When an appeal is filed the original sanction imposed by the Council is delayed until the appeal is resolved. Following receipt of the appeal request, the student or student organization will be notified if an appeal hearing is required. If so, the date, time and location will be included in the letter for notification. If a new hearing is not required, a decision regarding the appeal will be made based on a review of statements, testimony information, and evidence presented at the original hearing.
The chair of the Appeals Council will render a decision that may:
- affirm the original decision, which shall be effective as of the date specified
- affirm the original decision and reduce the penalty, which shall be effective as of the date specified
- dismiss the original decision
- specify other appropriate action as deemed necessary. In extraordinary circumstances, the Appeals Council may direct a new hearing. All deadlines expressed in any section are subject to change if exigent circumstances exist. The dean of students shall send written notification of the decision regarding the appeal to the appealing party within 15 University business days of receiving the appeal barring special circumstances requiring an extension of this time limit. A copy of the decision will be sent to the original Hearing Board. The decision of the Appeals Council in all appellate matters is the final decision for the University.

Composition of the Appeals Council
The Appeals Council normally consists of one academic dean, and two faculty members as voting members. The dean of students serves as administrator of the appeals council as a non-voting member. The faculty and academic dean are given a one-year appointment by the senior vice chancellor for academic affairs. Members of the Appeals Council are selected each fall to serve during the fall, spring and summer of the following year.

IX. Alcohol and Drug Policy

I. Introduction
This policy governs the distribution, serving, possession, and consumption of substances, which includes alcoholic beverages and illegal drugs, at the University of South Carolina Upstate.

This policy is established to:
- Respect the academic environment without unnecessarily restricting the exercise of legal privileges;
- Protect the welfare of individuals accessing the USC Upstate campus;
- Respect the low risk use of alcohol;
- Respect zero tolerance of illegal drug use.
- Students, faculty, staff and guests are required to comply with and abide by the contents of this policy.

II. South Carolina Law
All state laws related to alcohol and illegal drugs are in effect on the USC Upstate campus. All students, faculty, staff and guests are required to comply. All students, faculty, staff and guests are viewed by USC Upstate as individually responsible and legally accountable for their actions regarding alcohol and illegal drugs. The specific laws cited in the list below are pertinent to this policy. All South Carolina laws, whether or not they are cited in this policy, are applicable. It is against South Carolina law to:
- Purchase, possess or consume any alcoholic beverage if you are under the age of 21;
- Provide any alcoholic beverage to a person under the age of 21 by transfer, gift or sale;
- Misrepresent your age for the purpose of procuring alcoholic beverages;
- Drive under the influence;
- Have a blood level of 0.02 or higher while driving a vehicle if you are under the age of 21 (zero tolerance);
- Have an open container of alcoholic beverage in a moving vehicle;
- Be intoxicated in public;
- Manufacture, distribute, possess or use illegal drugs;
- Possess or use drug paraphernalia.

III. Definitions
Alcoholic Beverage - any spirituous malt (for example: Smirnoff Ice, Schlitz Malt Liquor, wine coolers), vinous, fermented, brewed (whether lager or rice beer) or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and is used as a beverage.

Common Source Container - any keg, pony keg, trashcan, bathtub, large container of beverage (i.e. box of wine), or other similar devices used for storing or mixing a quantity of beverage from which a quantity of beverage is distributed to, or consumed by, more than one individual.

Drug Paraphernalia - items such as roach clips, bongs, water pipes, cocaine spoons, etc.

Distilled/Spirituos Liquor - for example: whiskey, rum, brandy, gin and all other distilled liquor and mixtures of cordials, liqueur and premixed cocktails, in closed containers for beverage use regardless of their dilution.

Illegal Drugs - for the purposes of this policy includes illegal drugs including (but not limited to) marijuana, cocaine, heroin, MDMA (ecstasy), and LSD. Any prescription drug for which the user does not have a valid prescription is also included.